

(1)
Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Dy. No. 3291 of 2002
O.A.No. 1343/03

Wednesday, this the 29th day of October, 2003

Hon'ble Maj. Gen. K.K.Srivastava, A.M.
Hon'ble Mr. A.K.Bhatnagar, J.M.

Narendra Singh Rautela,
Son of Late Shri P.S.Rautela,
T.G.T. (English),
Jawahar Nayodaya Vidyalaya,
Pokhal, District - Tehri Garhwal.Applicant.

(By Advocate : Shri S.K.Shukla)

Versus

1. Union of India, through Ministry of Human Resources Development (Department of Education, Govt. of India, New Delhi).
2. Commissioner, Nayodaya Vidyalaya Samiti, Indira Gandhi Stadium, Indra-Prasad Estate, New Delhi, Pin 110002.
3. Deputy Director, Nayodaya Vidyalaya Samiti, Regional office at B-10 Sector (C), Aliganj, Lucknow Pin 226024.

..... Respondents.

(By Advocate : Shri V. Swaroop)

O R D E R

By Hon'ble Maj. Gen. K.K.Srivastava, A.M. :

In this application filed under Section 19 of A.T. Act, 1985 alongwith application of condonation of delay, the applicant has prayed for following reliefs :-

- (a) to issue an order or a direction to absorb the applicant with retrospective effect i.e. from 1.5.1989 (vide annexure (2) to this Original Application) following the Absorption Rules, 1989.
- (b) to issue an order or direction to promote the applicant as PGT on 6.8.1993 by implementing the Notification dated 3.9.1992 vide Annexure (13) to this Original Application.

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(c) to issue any other order or direction to which, this Hon'ble Tribunal may deem fit and proper in the present facts and circumstances of the case; and
 (d) to award costs of this O.A. to the applicant.

2. The facts of the case, in short, are that the applicant joined Kendriya Vidyalaya as Primary Teacher in August, 1984. The applicant joined the Nayodaya Vidyalaya on 7.8.1988 on deputation for two years as T.G.T. (English) at Jawahar Nayodaya Vidyalaya, Rudrapur at Nainital. The applicant was absorbed on 22.5.1992. The grievance of the applicant is that he is entitled for absorption with retrospective date i.e. from 1.5.1989 and also for promotion as P.G.T. w.e.f. 6.8.1993 under the provisions of notification dated 3.9.1992.

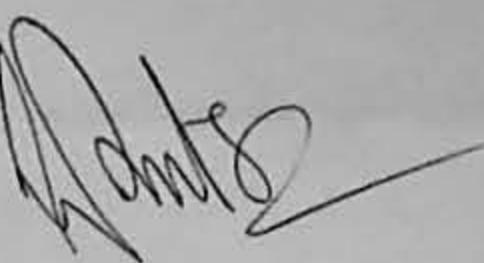
3. The applicant approached the Hon'ble Allahabad High Court by filing Writ Petition No.8682/2000 which was disposed of by order dated 22.2.2000 with direction to respondent No.3 to decide the representation of the applicant. The representation of the applicant has been rejected vide order dated 29.5.2000 (Annexure-9). Aggrieved by the order dated 29.5.2000 the applicant has filed an appeal before Director Nayodaya Vidyalaya Samiti, New Delhi on 11/19-7-2000. The same remains undecided so far, hence this OA.

4. After hearing counsel for the parties and perusal of the records, we find ^{that} it is a fit case ^{to be decided} for deciding at the admission stage giving suitable direction to respondent No.2 to decide the appeal of the applicant dated 11/19.7.2000 (Annexure-10).

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5. In the facts and circumstances, the OA is finally disposed of with direction to respondent No.2 to decide the appeal of the applicant dated 11/19-7-2000 within a period of three months from the date of communication of this order, by a detailed and reasoned order. There shall be no order as to costs.


Member-J


Member-A

RKM/